

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLUMBIA - DIVISION

DAVID E. HILL # 12585-007

U.S.P. FLORENCE - MAX

P.O. BOX. 8500

FLORENCE, CO. 81226

v.

Case: 1:19-cv-00704

Assigned To : Unassigned

Assign. Date : 3/11/2019

Description: FOIA/Privacy Act (I-DECK)

FEDERAL BUREAU OF INVESTIGATION (FBI)
935 PENNSYLVANIA AVE, N.W.
WASHINGTON, D.C. 20535

FREEDOM OF INFORMATION ACT COMPLAINT
5. U.S.C. ²² 552 AND 552(a)(3)(A)

STATEMENT OF FACTS

IN 1999 THROUGH 2001, THE FBI OPENED A WIDE RANGING ARMED BANK ROBBERY INVESTIGATION IN THE EASTERN DISTRICT OF VIRGINIA INTO DAVID HILL AND ROBERT FRAZIER. THE INVESTIGATION YIELDED ROBERT FRAZIER'S ARREST IN JULY 2000, FOR THE FIM BANK ROBBERY COMMITTED ON NOVEMBER 15, 1999. FRAZIER 'PLEAD GUILTY AND AGREED TO COOPERATE AND TESTIFY AGAINST DAVID HILL AT HIS JURY TRIAL IN 2001, UNITED STATES v. DAVID HILL,

CRIMINAL NO. 01-191-A, ALEXANDRIA DISTRICT COURT, ALEXANDRIA VIRGINIA. SEE ATTACHED AUGUST 13, 2001 TRIAL TRANSCRIPT OF PROSECUTION'S OPENING SUMMATION MADE IN OPEN COURT TO THE JURY OF ROBERT FRAZIER'S INVOLVEMENT OF HIS ROLE IN COMMITTING THE ROBBERY OF THE F&M BANK ON NOVEMBER 15, 1999,¹ ROBERT FRAZIER DNA WAS TAKEN IN CONNECTION TO THE ROBBERY WHICH LED TO HIS ARREST. HILL SUSPECTS THE PROSECUTION ENGAGED IN VARIOUS FORMS OF MISCONDUCT PRIOR TO TRIAL, DURING TRIAL, ESPECIALLY IN ITS DEALINGS WITH FRAZIER. THE PROSECUTION ALSO PRESENTED THE TESTIMONY OF FORENSIC EXPERT ALAN M. GIUSTI FROM THE FBI LABORATORY WHOM CONDUCTED DNA EXAMINATIONS ON A RED BASEBALL CAP IN CONNECTION TO THE F&M BANK ROBBERY, A GRAY KNIT CAP, A GRAY SWEATSHIRT, AND BANDANAS IN CONNECTION TO THE FIRST VIRGINIA BANK ROBBERY, WITH JACQUELINE BLAKE, ANOTHER FORENSIC EXPERT. SEE ATTACHED TRIAL TESTIMONY OF GIUSTI AND SEPTEMBER 11, 2003 LETTER FROM PROSECUTION,² TRANSCRIPT PAGE 343-348; AND 244-245. ROBERT S. FRAZIER TESTIMONY.

ON SEPTEMBER 30, 2018, HILL FILED A FOIA/PA REQUEST WITH THE FBI. THE REQUEST SOUGHT INFORMATION RELATED TO THE FBI'S INVESTIGATION OF ROBERT FRAZIER, INCLUDING Q ANY AND ALL SCIENTIFIC LAB REPORTS CREATED WITH USE OF ROBERT FRAZIER'S DNA IN CONNECTION TO THE F&M BANK ROBBERY, ANY AND ALL SWORN AFFIDAVITS CREATED IN SUPPORT OF AN ARREST WARRANT FOR ROBERT FRAZIER'S ARREST FOR THE ROBBERY OF THE F&M BANK ROBBERY

¹ U.S. ATTORNEY DABNEY FRIEDRICH CONFIRMED THE IDENTITY OF ROBERT FRAZIER AS A COCONSPIRE IN THE ROBBERY OF THE F&M BANK. TRANSCRIPT PAGE 25-32.

² FORENSIC EXPERT ALAN GIUSTI CONFIRMED THAT ROBERT FRAZIER'S DNA SUBMITTED IN CONNECTION TO Q1 Lab # 000-821012-11/15/99 ROBBERY.

ON NOVEMBER 15, 1999; AND THE INSPECTOR GENERAL REPORT RELATED TO JACQUELINE BLAKE CONDUCTED IN THE FBI LABORATORY IN CONNECTION TO CRIME SCENE EVIDENCE IN DAVID HILL'S CASE AND OTHERS. SEE ATTACHED REQUEST.

ON OCTOBER 19, 2018, THE FBI DECLINED TO PROVIDE ANY REQUESTED DOCUMENTS ON THE BASIS, THAT THE FBI WILL NEITHER CONFIRM NOR DENY THE EXISTENCE OF SUCH RECORDS PURSUANT TO FOIA EXEMPTIONS (b)(6) AND (b)(7)(C), 5 U.S.C. § 552(b)(6) AND (b)(7)(C). THE MERE ACKNOWLEDGEMENT OF THE EXISTENCE OF FBI RECORDS ON THIRD PARTY INDIVIDUALS COULD REASONABLY BE EXPECTED TO CONSTITUTE AN UNWARRANTED INVASION OF PERSONAL PRIVACY. AS A RESULT, YOUR REQUEST HAS BEEN CLOSED, PLEASE SEE THE ENCLOSED FBI THIRD PARTY FACT SHEET. SEE ATTACHMENTS. FOIA REQUEST NO: 1419719-000.

HILL FILED A TIMELY APPEAL TO THE DIRECTOR, OFFICE OF INFORMATION POLICY, (OIP). ON NOVEMBER 19, 2018, THE OIP ACKNOWLEDGE IT RECEIVED HILL'S APPEAL FROM THE ACTION OF THE FBI REGARDING REQUEST NO. 1419719. IN HIS APPEAL, HILL SUBMITTED THE ORIGINAL NOTERIZED FOIA/PA REQUEST SIGNED BY ROBERT FRAZIER REQUESTING RELEASE TO DAVID HILL ANY AND ALL DOCUMENTS RELATING TO HIS ARREST FOR THE FIRM BANK ROBBERY, ANY AND ALL SWORN AFFIDAVITS CREATED IN SUPPORT

OF PROBABLE CAUSE FOR THE ARREST WARRANT, ANY AND ALL SCIENTIFIC LAB RESULTS CREATED WITH ROBERT FRAZIER'S DNA IN RELATION TO THE FIM BANK ROBBERY COMMITTED ON NOVEMBER 15, 1999. SEE ATTACHED FOIA/PA REQUEST GIVING DAVID HILL EXPRESSED AUTHORIZATION AND CONSENT TO RELEASE THE REQUESTED DOCUMENTS. THE ORIGINAL DOCUMENT WAS SUBMITTED PER FBI FACT SHEET FOR THIRD PARTY'S. ATTACHED HERETO.

ON FEBRUARY 15, 2019, THE OIP AFFIRMED THE FBI'S ACTION OF HILL'S FOIA/PA REQUEST. SEE ATTACHMENT

RELIEF REQUESTED

HILL REQUEST THIS COURT TO ORDER THE RESPONDANTS TO SEARCH FOR AND RELEASE THE REQUESTED RECORDS ROBERT FRAZIER HIMSELF PUBLICLY MADE KNOWN AND THAT THE FEDERAL PROSECUTORS RELEASED AT TRIAL ON AUGUST 13, 2001. IN ADDITION, TO APPLY ANY FEE'S THAT ACCRUE FOR NEEDLESSLY REQUIRING HILL TO FILE THIS SUIT TO THE RESPONDANTS.

RESPECTFULLY SUBMITTED




DAVID E. HILL 12585-007
U.S.P. FLORENCE - MAX
P.O. BOX 8500
FLORENCE, CO. 81226

DATE: 3-6-2019

CERTIFICATE OF SERVICE

A COPY HAS BEEN MAILED TO THE FEDERAL
BUREAU OF INVESTIGATION, 935 PENNSYLVANIA AVE,
N.W. WASHINGTON, D.C. 20535, THIS 3-6-2019 2019

RESPECTFULLY SUBMITTED


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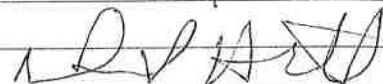
FREEDOM OF INFORMATION AND PRIVACY ACT
REQUEST, 5 U.S.C. §§ 552 AND 552(a)

TO: FEDERAL BUREAU OF INVESTIGATION

9-30-18

I REQUEST ALL RECORDS OF A CRIMINAL INVESTIGATION OF DAVID HILL FROM 1999 THROUGH AUGUST 2001, INCLUDING DATED HANDWRITTEN NOTES, 302 REPORTS, SCIENTIFIC DNA RESULTS ON A RED BASEBALL CAP, SWEAT-SHIRT, AND BANDANAS SUBMITTED TO THE FBI FORENSIC LABORATORY FOR DNA COMPARISON ON MARCH 31, 2000, ANY AND ALL LAB REPORTS CREATED ON MARCH 21, 2000, AND JUNE 15, 2001; (2) COPIES OF ANY AND ALL SCIENTIFIC DNA RESULTS CREATED DURING A CRIMINAL INVESTIGATION OF ROBERT S. FRAZIER FROM 1999 THROUGH JANUARY 2001 IN CONNECTION TO A RED BASEBALL CAP; (3) ANY AND ALL RECORDS CREATED IN SUPPORT OF AN ARREST WARRANT FOR ROBERT S. FRAZIER FOR ARMED BANK ROBBERY OF THE F&M BANK ON NOVEMBER 15, 1999 IN MCLEAN VIRGINIA; (4) ANY AND ALL RECORDS RELATED TO JACQUELINE BLAKE INSPECTOR GENERAL REPORT.

THANK YOU



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NOTE: THE FIRST 100 PAGES ARE FREE. I ALSO REQUEST A FEE
WAIVER IN THE INTEREST OF JUSTICE AND AS A RESULT
OF MY INCARCERATION.